



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Madiyalakan et al.

Art Unit: 1642

Appl. No.: 09/376,604

Examiner: Gary B. Nickol

Filed: August 18, 1999

TITLE: THERAPEUTIC COMPOSITIONS THAT  
ALTER THE IMMUNE RESPONSE

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE**

In response to the Notice of Non-Compliant Amendment dated December 4, 2002,  
attached please find the following:

1. A copy of the Notice of Non-Compliant Amendment;
2. Exhibit A Marked-Up Version of Specification Amendments
3. Exhibit B Clean Copy of Specification Amendments

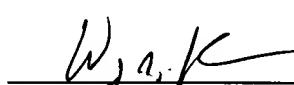
**CONCLUSION**

No additional fees are believed to be due in connection with this filing. However, please  
charge any underpayments or credit any overpayments to our Deposit Account No. 50-2285.

If there are any questions, please call the undersigned at the telephone number indicated  
below.

Respectfully submitted,

Dated: 12/16/02

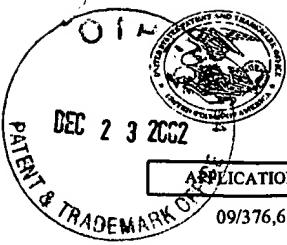
  
Wayne A. Keown, Ph.D.  
Reg. No. 33,923

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I hereby certify that this correspondence is  
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Patents, Washington, DC 20231, on

Madiyalakan 12/16/02

ALT-004US3



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,604	08/18/1999	RAGUPATHY MADIYALAKAN	107823.129	6693

7590

12/04/2002

Wayne A Keown  
 Suite 2900  
 500 West Cummings Park  
 Woburn, MA 01801

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DEC 10 2002

BY: *M.L.*

EXAMINER

NICKOL, GARY B

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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TECH CENTER 1600/2900

KEOWN & ASSOCIATES DOCKETING  
 DOCKET NO.: ALT-004US3  
 ITEM DUE: Response

REMINDER:

1<sup>st</sup> DUE:

FINAL:

11/4/03

12/4/03

BY: *M.L.*



UNITED STATES PATENT AND TRADEMARK OFFICE

— UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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Paper No. DEC 27 2002

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## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 11-18-02 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77 Sept. 19, 2000). In order for the amendment to be compliant, applicant must supply the following omissions or corrections in response to this notice.

THE FOLLOWING ITEMS ARE REQUIRED FOR COMPLIANCE WITH RULE 1.121 (APPLICANT NEED NOT RESUBMIT THE ENTIRE AMENDMENT):

- 1. A clean version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(ii).
- 2. A marked-up version of the replacement paragraph(s)/section(s) is required. See 37 CFR 1.121(b)(1)(iii).
- 3. A clean version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(i).
- 4. A marked-up version of the amended claim(s) is required. See 37 CFR 1.121(c)(1)(ii).

Explanation: \_\_\_\_\_

(LIE: Please provide specific details for correction to assist the applicant. For example, "the clean version of claim 6 is missing.")

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/dcom/olia/pbg/sampleaf.pdf>. A condensed version of a sample amendment format is attached.

- PRELIMINARY AMENDMENT:** Unless applicant supplies the omission or correction to the preliminary amendment in compliance with revised 37 CFR 1.121 noted above within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.
- AMENDMENT AFTER NON-FINAL ACTION:** Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE MONTH or THIRTY DAYS from the mailing of this notice, whichever is longer, within which to supply the omission or correction noted above in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

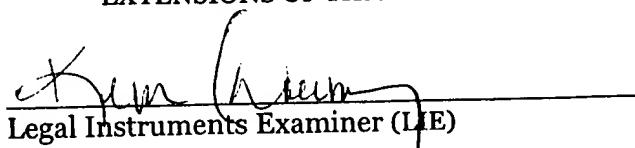
  
Legal Instruments Examiner (LIE)

EXHIBIT B  
CLEAN VERSION OF SPECIFICATION AMENDMENTS

Page 69, lines 14-21:

Three derivatives of scFv with additional C-terminal extensions containing mouse and human tuftsin (pDL-6 and pDL-11), or a control sequence (pDL-10), were designed. To construct plasmids pDL-6, pDL-10, and pDL-11, DNA oligodeoxyribonucleotides (SEQ ID NOS.: 1-3) (5'-GAATTCTGGAGGTGGTACCCAGCCTAGGTAGC-3', 5'-GAATTCTGGAGGTGGTGGATGTGC-3', and 5'-GAATTCTGGAGGTGGTACCAAGCCTAGGTAGC-3') coding for the amino acid sequences (SEQ ID NOs.: 4-6) N-SerGlyGlyGlyThrGlnProArg-C,

Page 71, lines 1-4

plasmids pDL10, DNA oligodeoxyribonucleotides (SEQ ID NO.: 7) (5'-GAATTCTGGAGGTGGTGGATGTGC-3') coding for the amino acid sequences, (SEQ ID NO.: 5) N-SerAlaGlyGlyGlyCysAla-C were used by inserting fragments in *Eco*RI and *Eag*I sites of pPIC-B43.13.

EXHIBIT A  
MARKED-UP VERSION OF SPECIFICATION AMENDMENTS

Page 69, lines 14-21:

Three derivatives of scFv with additional C-terminal extensions containing mouse and human tuftsin (pDL-6 and pDL-11), or a control sequence (pDL-10), were designed. To construct plasmids pDL-6, pDL-10, and pDL-11, DNA oligodeoxyribonucleotides (SEQ ID NOS.: 1-3)  
(5'-GAATTCTGGAGGTGGTACCCAGCCTAGGTAGC-3',  
5'-GAATTCTGGAGGTGGTGGATGTGC-3', and  
5'-GAATTCTGGAGGTGGTACCAAGCCTAGGTAGC-3')  
coding for the amino acid sequences (SEQ ID NOs.: 4-6) N-SerGlyGlyGlyThrGlnProArg-C,

Page 71, lines 1-4:

plasmids pDL10, DNA oligodeoxyribonucleotides (SEQ ID NO.: 7)  
(5'-GAATTCTGGAGGTGGTGGATGTGC-3') coding for the amino acid sequences, (SEQ ID NO.: 5) N-SerAlaGlyGlyGlyCysAla-C were used by inserting fragments in *Eco*RI and *Eag*I sites of pPIC-B43.13.